



## CHECKLIST TO REQUEST A VARIANCE OF AIRPORT ZONING REGULATIONS DETERMINATION LETTER

A variance of the Code of Miami-Dade County Article XXXVII Airport Zoning (Chapter 33-330, et seq.) may be sought except where expressly prohibited. Miami-Dade Aviation Department (MDAD) shall grant or deny applications for airport zoning variances in accordance with the procedures, criteria, and requirements in Section 33-335. Airport Zoning variances shall only be granted where application or enforcement of such regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest. No variance shall be approved solely on the basis that the proposed structure or use will not exceed federal obstruction standards, or any other federal aviation regulation. A variance from Airport Zoning Height Restrictions may only be applied for and obtained in a Height Variance Eligible Area, as defined in Section 33-333, provided that the proposed structure or use meets applicable federal standards and regulations and has been approved by the Federal Aviation Administration.

### ***Step 1: Pre-Application Teleconference.***

Prior to submitting an application for a variance, the applicant shall participate in a pre-application conference with MDAD. The purpose of the pre-application conference is to ascertain the project's location and scope, advise the applicant of the information needed for submittal, and explain the evaluation process.

### ***Step 2: Complete the Airport Zoning Variance Package.***

A complete Airport Zoning variance package shall consist of the following:

- (1) An executed application for an airport zoning variance shall be made on a form prescribed by the MDAD Director. This form entitled "Variance of Airport Zoning Regulations Application" is available on MDAD Aviation Planning Division's webpage which may be accessed by using the following link: [http://www.miami-airport.com/planning\\_forms\\_maps.asp](http://www.miami-airport.com/planning_forms_maps.asp).
- (2) Required exhibits as set forth in Section 33-334(B).
- (3) Documentation showing compliance with the federal requirement for notification of the proposed project and a valid aeronautical evaluation of the project.
- (4) In a letter or report, along with any supporting documents, provide justification for each of the following factors which will be used in evaluating whether a requested variance would be contrary to the public interest:
  - a) Demonstrate unnecessary hardship.
  - b) Demonstrate how the proposed use would not be contrary to the public interest.
  - c) Provide assurances for the safety of persons on the ground and in the air.
  - d) Demonstrate safe and efficient use of navigable airspace.
  - e) Demonstrate compatibility with the nature of the terrain and height of existing structures.
  - f) Demonstrate that the proposed use will have no adverse effect on the state licensing standards for a public-use airport contained in Chapter 330 of the Florida Statutes and its associated rules.
  - g) Demonstrate that the proposed use would not impact the character of existing and planned flying operations and developments at the airport.
  - h) Provide proof that the proposed use would not impact Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.



- i) Demonstrate the proposed use would not impact the effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the airport.
- j) Demonstrate that the proposed use would not impact technological advances.
- k) Demonstrate that the proposed use would not impact land use density.
- l) Demonstrate that the proposed use would not impact public or private interest and investments.
- m) Demonstrate that the proposed use would not adversely impact: navigable airspace, proposed structures identified in the Comprehensive Development Master Plan, and all other known proposed structures and uses in the area.

**Step 3: Email the complete Airport Zoning Variance Package to the Chief of Aviation Planning Division.**

Mr. Ammad Riaz, P.E., Chief of Aviation Planning (ariaz@miami-airport.com or 305-876-7036) will acknowledge receipt of the request and assign an aviation planner to the request. Please note, an Airport Zoning Variance package will not be processed if any data is missing or in error.

**Step 4: Payment Instructions.**

MDAD will process variance applications in accordance with FS 125.022. Once the aviation planner has reviewed the airport zoning application for completeness, the planner will instruct the applicant to proceed with payment. The applicant may mail a check along with a copy of the application to the assigned aviation planner. The aviation planner may also arrange credit card payments through MDAD's Finance Division. When mailing a payment, the applicant should address the envelope to the attention of the assigned planner. The application will be placed on hold until the requisite review fees are received.

**For the United States Postal Service (USPS), the mailing address is:**

Miami-Dade Aviation Department, Aviation Planning Division  
Attention: (Aviation Planner's Name Here)  
P.O. Box 025504  
Miami, FL 33102-5504

**For Courier / UPS / Fed-Ex, the physical address is:**

Miami-Dade Aviation Department, Aviation Planning Division  
Attention: (Aviation Planner's Name Here)  
4331 NW 22 Street  
Building 3030, Second Floor, Wing C  
Miami, FL 33122

**Step 5: Variance Determination Letter Issued.**

MDAD shall issue a written determination approving or denying each variance application. Denials shall specify the grounds for denial. Any aggrieved party may appeal MDAD's decision to the Board of County Commissioners in accordance with the procedure established in section 33-314 for appeals of administrative decisions.